

REMARKS

Claims 18-24 have been re-examined.. These claims have been finally rejected as follows: (1) claims 18-21 as anticipated under 35 USC 102(b) by Ennis; (2) claim 22 as unpatentable under 35 USC 103(a) over Ennis in view of Belanger; (3) claim 23 as unpatentable under 35 USC 103(a) over Ennis; and (4) claim 24 as unpatentable under 35 USC 103(a) over Ennis in view of Fromme.

These rejections are identical to the rejections in the previous Office Action. Accordingly, these rejections are again respectfully traversed.

In his "Response to Arguments" section of the latest Office Action, the examiner states that Ennis "...can certainly be used as an umbrella device if desired."

Ennis discloses a mechanized automated vehicle washing apparatus. How can such an apparatus "be used as an umbrella." Such an assertion, frankly, makes no sense at all. If there is a genuine belief that the apparatus of Ennis can "be used as an umbrella," then 35 USC 102 and 35 USC 103 have little meaning.

Next, the examiner states that Ennis has a membrane and that the "continuous structure" of the membrane is of no concern because it "is not claimed."

If any dictionary is consulted, the examiner will find that a membrane is a sheet structure. A sheet structure is, by its very nature, continuous. Therefore, the question of continuity is not moot but very important. Moreover, a plurality of individual strands of material that make up the brushes 18 and 20 of Ennis , even when they rotate, cannot be said to comprise a continuous structure as is the continuous structure of the present invention.

35 USC 102 requires that every positively recited element of the claim(s) be found

in a single reference. Ennis does not show, inter alia, the umbrella-like cap that comprises a membrane (a continuous structure).

Also, where in Ennis is a driving means "located at the end of said shank," as in claim 21? No such structure is found in Ennis.

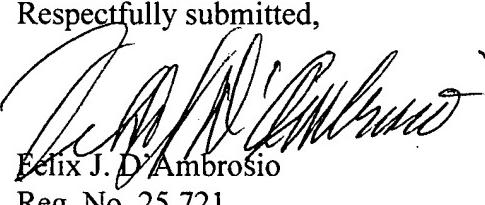
As to combining Ennis and Belanger, it is noted that there can be no conceivable reason for using the clamping structure of Belanger in the apparatus of Ennis. Why would the skilled person in the art familiar with the apparatus of Ennis use the clamping structure of Belanger? Certainly not to form an umbrella because Ennis discloses an automatic vehicle washing apparatus not an umbrella. Even a hindsight application of Ennis and Belanger based upon the present invention would make no sense because the two references teach radically different structures.

Fromme is like Ennis; totally non-analogous art. Any teaching from Fromme which is combined with Ennis will still not result in an umbrella

Once again applicant must emphasize that the examiner is clearly staining to construct a rejection of the pending claims instead of viewing the claims fairly and applying references properly.

The examiner is urged to again reconsider his rejections and find claims 18-24 allowable over the art of record.

Respectfully submitted,



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